

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF SUNNYVALE AMENDING VARIOUS PROVISIONS OF
TITLE 19 OF THE SUNNYVALE MUNICIPAL CODE, THE
ZONING CODE, RELATED TO PLACES OF ASSEMBLY

THE CITY COUNCIL OF THE CITY OF SUNNYVALE DOES ORDAIN AS FOLLOWS:

SECTION 1. 19.12.020 AMENDED. Section 19.12.020 of the Sunnyvale Municipal Code is hereby amended as follows:

19.12.020. "A"

(1) – (9) [Text unchanged]

~~(10) "Amusement and entertainment enterprises" means establishments engaged in providing amusement or entertainment, usually for a fee or admission charge and includes such activities as coin-operated games, bowling alleys, billiard and pool halls, miniature golf courses, dance halls, musical entertainment, theaters, comedy clubs, amusement parks, commercial sports arenas and race tracks, membership sports and recreation clubs, swimming pools, game parlors and carnival operations.~~

(11) – (22) [Sections renumbered; text unchanged]

SECTION 2. 19.12.160 AMENDED. Section 19.12.160 of the Sunnyvale Municipal Code is hereby amended as follows:

19.12.190. "E"

(1) (a) "Education – Recreation and Enrichment" means a facility which is used primarily for teaching learned skills to children or adults for purposes of recreation, amusement or enrichment. It includes uses such as karate studios, music and dance studios, arts and crafts studios, and tutoring centers. It does not include licensed day care centers and pre-schools, facilities for primary and high school education, and institutions of higher learning. It also does not include retail uses such as music stores, and recreational and athletic facilities such as fitness centers, bowling alleys, and ice skating rinks, where scheduled classes may be offered but such classes are ancillary to the primary use.

(b) "Education – Primary and High School" means a state licensed facility for kindergarten through 12th grade education.

(c) "Education – Institution of Higher Learning" means any business, professional, technical, or trade school where training is conducted and educational credits, degrees or certificates of completion are earned or granted for students over the age of 18. Also included are post-secondary institutions for higher learning that grant associate or bachelor

degrees and may also have research facilities and/or professional schools that grant master and doctoral degrees. This may also include community colleges that grant associate or bachelor certificates of completion in business or technical fields.

(1) – (8) [Sections renumbered; text unchanged]

SECTION 3. 19.12.190 AMENDED. Section 19.12.190 of the Sunnyvale Municipal Code is hereby amended in its entirety to read as follows:

19.12.190. “R”

(1) - (2) [Text unchanged]

(3) “Recreational and Athletic Facility” means a facility offering space and equipment for persons to engage in sports and other forms of physical activity and recreation. It includes uses such as athletic clubs, fitness centers, swim clubs, bowling alleys, miniature golf courses, batting cages, ice skating rinks, roller skating rinks, rock climbing centers, shooting galleries and arcades. It does not include facilities ancillary to another primary permitted use, such as school gyms.

(3)–(18) [Sections renumbered; text unchanged]

SECTION 4. 19.12.200 AMENDED. Section 19.12.200 of the Sunnyvale Municipal Code is hereby amended in its entirety to read as follows:

19.12.200. “S”

(1) – (3) [Text unchanged]

~~(4) “School, commercial or trade” means a secondary educational facility primarily teaching specific skills that prepare students for jobs in a trade, and which meets the state requirement as a vocational facility.~~

(4) “Sensitive populations” means children under the age of 18 years, adults with mental or physical disabilities, adults over the age of 65 years, or any persons who have mobility limitations, difficulty understanding and executing directions or orders, or increased sensitivity to hazardous materials.

(5) - (24) [Text unchanged]

SECTION 5. TABLE 19.18.030 AMENDED. Table 19.18.030 of the Sunnyvale Municipal Code is hereby amended as follows:

RESIDENTIAL ZONES	R-0/R-1	R-1.5	R-1.7/PD	R-2	R-3	R-4	R-5	R-MH
1. <i>Residential</i>								
A. – G. [Text unchanged]								
2. <i>Agricultural Uses</i>								
A. [Text unchanged]								
3. <i><u>Recreational Uses, Education, Recreation, and Places of Assembly</u></i>								
A. Private parks, playgrounds, and recreational uses and areas, except lodge halls, fraternal associations	UP	UP	SDP	UP	UP	UP	UP	UP
B. Public schools, parks, playgrounds and recreational areas	P	P	P	P	P	P	P	P
<u>A. Education – Recreation and Enrichment</u>	N	N	N	N	N	N	N	N
<u>B. Education – Primary and High School</u>	UP	UP	UP	UP	UP	UP	UP	UP
<u>C. Education – Institution of Higher Learning</u>	N	N	N	N	N	N	N	N
<u>D. Recreational and Athletic Facilities</u>	N	N	N	N	N	N	N	N
<u>E. Places of Assembly – Business Serving</u>	N	N	N	N	N	N	N	N
<u>F. Places of Assembly – Community Serving</u>	UP	UP	UP	UP	UP	UP	UP	UP
4. <i>Commercial Uses</i>								
A.-G. [Text unchanged]								

5.	<i>Accessory Uses</i>								
	A.-D. [Text unchanged]								
6.	<i>Temporary Uses</i>								
	A.-B. [Text unchanged]								
7.	<i>Other Uses</i>								
	A. – B. [text unchanged]								
C.	Church, convent, monastery or parsonage	UP	UP	SDP	UP	UP	UP	UP	UP
	D.-F. [sections re-lettered; text unchanged]								
G.	Non-public schools (any level)	UP	UP	SDP	UP	UP	UP	UP	UP
	H. – M. [sections re-lettered; text unchanged]								

SECTION 6. TABLE 19.20.030 AMENDED. Table 19.20.030 of the Sunnyvale Municipal Code is hereby amended as follows:

COMMERCIAL ZONES	C-1	C-2	C-3	C-4
1. Retail Commercial				
A. – D. [Text unchanged]				
2. Service Commercial				
A.-K. [Text unchanged]				
3. Personal Service				
A. – B. [text unchanged]				
C. Commercial schools (i.e., business, professional and dance)	UP	UP	P	UP
D. – E. [sections re-lettered; text unchanged]				
4. Eating/Drinking Establishments				
A.-E. [Text unchanged]				
5. Automotive				
A.-D. [Text unchanged]				

6. Entertainment/Recreation <u>Entertainment, Recreation, and Places of Assembly</u>				
A. Education – Recreation and Enrichment	<u>UP</u> ⁶	<u>UP</u> ⁶	<u>UP</u> ⁶	<u>N</u>
B. Education – Primary and High School	<u>UP</u> ⁶	<u>UP</u> ⁶	<u>UP</u> ⁶	<u>N</u>
C. Education – Institution of Higher Learning	<u>UP</u> ⁶	<u>UP</u> ⁶	<u>UP</u> ⁶	<u>N</u>
D. Recreational and Athletic Facilities	<u>UP</u> ⁶	<u>UP</u> ⁶	<u>UP</u> ⁶	<u>N</u>
E. Places of Assembly – Business Serving	<u>UP</u> ⁶	<u>UP</u> ⁶	<u>UP</u> ⁶	<u>UP</u>
F. Places of Assembly – Community Serving	<u>UP</u> ⁶	<u>UP</u> ⁶	<u>UP</u> ⁶	<u>N</u>
A. Amusement and recreation enterprises	<u>UP</u>	<u>UP</u>	<u>P</u>	<u>N</u>
B.G. Cardrooms	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
C.H. Entertainment establishments	<u>UP</u>	<u>UP</u>	<u>UP</u>	<u>N</u>
D. Lodge halls, fraternal and social associations	<u>UP</u>	<u>UP</u>	<u>P</u>	<u>UP</u>
7. Office				
A-D. [Text unchanged]				
8. Public Facilities				
A-B. [Text unchanged]				
9. Residential/Boarding/Lodging				
A-D. [Text unchanged]				
10. Other				
A-J. [Text unchanged]				

fn. 1-5 [text unchanged]

6. Educational and recreational uses and places of assembly shall not be located in retail centers in a manner that disrupts the flow of pedestrians between retail establishments.

SECTION 7. TABLE 19.22.030 AMENDED. Table 19.22.030 of the Sunnyvale Municipal Code is hereby amended as follows:

Use Regulations by Zoning District USE	M-S Districts	<u>M-S/POA</u> <u>Districts</u>	M-S Districts FAR ³	M-3 Districts	M-3 Districts FAR ³
1. Manufacturing					
A. Packing or rendering plants, or slaughterhouses for the processing of animals and animal by-products	<u>N</u>	<u>N</u>	N/A	<u>N</u>	N/A
B. Foundries for the casting of aluminum	<u>UP</u>	<u>UP</u>	N/A	<u>UP</u>	N/A

C. Foundries, processing plants, fabrication facilities or mills for metals other than aluminum	N	<u>N</u>	N/A	UP	N/A
D. Manufacture, compounding or processing of commercial explosives not related to research and development	N	<u>N</u>	N/A	N	N/A
E. Manufacture, processing or bulk storage of feed, fertilizer, grain or soil conditioners	N	<u>N</u>	N/A	UP	N/A
F. Manufacture of agricultural, construction, industrial, or mining heavy equipment	N	<u>N</u>	N/A	UP	N/A
G. Manufacture, milling, mixing, processing, or bulk storage of asphalt, brick, cement, gravel, lumber, rock, sand, and similar construction materials	N	<u>N</u>	N/A	UP	N/A
H. Manufacture, processing, refining or bulk storage for off-premises delivery of coal, coke, compressed gases, liquefied petroleum gases or other fuels, except gasoline or motor oil	N	<u>N</u>	N/A	UP	N/A
I. Manufacture, processing, repair, compounding, packaging, assembly, or treatment plants or facilities for equipment, materials or products	P UP	<u>P</u> <u>UP</u>	To 35% >35%	P UP	To 35% > 35%
J. Manufacture, processing, repair, compounding, packaging, assembly, or treatment plants and facilities for explosives related equipment, materials or products	N	<u>UP</u>	N/A	N	N/A
2. Office, Research and Development					
A. Administrative, professional, medical and research and development offices	P UP	<u>P</u> <u>UP</u>	To 35% > 35%	P UP	To 35% > 35%
B. Financial institutions, banks, and savings and loan associations without drive-through facilities	UP UP	<u>UP</u> <u>UP</u>	To 35% > 35%	UP UP	To 35% > 35%
C. Explosive or propellant research and development related manufacturing, processing, assembly and storage	UP	<u>UP</u>	N/A	UP	N/A
3. Commercial					
A. Automobile service stations and vehicle repair facilities	UP	<u>UP</u>	N/A	UP	N/A
B. Auto wrecking, junk, salvage, scrap metal or waste material storage yards	N	<u>N</u>	N/A	N	N/A

C. Businesses selling merchandise or products at retail or providing services (such as real estate)	MPP UP	<u>MPP</u> <u>UP</u>	To 35% >35%	MPP UP	To 35% >35%
D. Commercial canning, processing, or reduction plants for fruits and vegetables	UP	<u>UP</u>	N/A	UP	N/A
E. Commercial storage and warehouses	P UP	<u>P</u> <u>UP</u>	To 50% >50%	P UP	To 50% >50%
F. Childcare centers, small business sponsored (maximum 14 children)	MPP	<u>MPP</u>	N/A	MPP	N/A
G. Childcare centers, large business sponsored (maximum 30 children)	UP	<u>UP</u>	N/A	UP	N/A
H. Drive-through businesses	UP	<u>UP</u>	N/A	UP	N/A
I. Hotels and motels	UP	<u>UP</u>	N/A	UP	N/A
J. Restaurants and fast food restaurants	UP	<u>UP</u>	N/A	UP	N/A
K. Self storage (mini warehouse)	UP	<u>UP</u>	N/A	UP	N/A
4. <u>Recreational Education, Recreation, and Places of Assembly</u>					
A. Amusement, athletic, cultural or recreational enterprises	MPP UP		To 35% >35%	MPP UP	To 35% >35%
B. Automobile, go-cart, motorcycle and quarter midget racetrack and other vehicle endurance or racetracks	N		N/A	N	N/A
A. <u>Education – Recreation and Enrichment</u>	N	<u>UP</u>	N/A	N	N/A
B. <u>Education – Primary and High School</u>	N	N	N/A	N	N/A
C. <u>Education – Institution of Higher Learning</u>	<u>UP</u>	<u>UP</u>	N/A	<u>UP</u>	N/A
D. <u>Recreational and Athletic Facilities</u>	N	<u>UP</u>	N/A	N	N/A
E. <u>Places of Assembly – Business Serving</u>	<u>UP</u>	<u>UP</u>	N/A	<u>UP</u>	N/A
F. <u>Places of Assembly – Community Serving</u>	N	<u>UP</u>	N/A	N	N/A
G. Cardrooms	N	N	N/A	N	N/A
5. <u>Residential</u>					
A. Residential uses, alone or combined with other uses compatible with the district	UP	<u>UP</u>	N/A	UP	N/A
B. Single room occupancy living unit facilities	UP	<u>UP</u>	N/A	UP	N/A
C. Single room occupancy residential hotels	UP	<u>UP</u>	N/A	UP	N/A
D. Convalescent homes, home for the aged, hospitals, sanitariums and similar institutions	N	N	N/A	N	N/A
6. <u>Other</u>					

A. Adult business establishment	P ¹	<u>P¹</u>	N/A	P ¹	N/A
B. Agricultural dwellings, buildings and uses	UP	<u>UP</u>	N/A	UP	N/A
C. Bulk storage for off-premises delivery of compressed gases and liquefied petroleum gases	UP	<u>UP</u>	N/A	UP	N/A
D. Bus terminals and other public transportation facilities	UP	<u>UP</u>	N/A	UP	N/A
E. Educational uses	UP	<u>UP</u>	N/A	UP	N/A
F. Emergency shelter containers meeting criteria described in this chapter (ARKs)	P	<u>P</u>	N/A	P	N/A
G. Emergency shelter containers other than ARKs	UP	<u>UP</u>	N/A	UP	N/A
H. Hazardous materials storage as defined in Titles 20 (above ground) and 21 (underground)	P	<u>P</u>	N/A	P	N/A
I. Hazardous materials storage facilities which meet the criteria outlined in Section 19.22.060	MPP	<u>MPP</u>	To 40%	MPP	To 40%
J. Hazardous materials storage facilities which do not meet all the criteria outlined in Section 19.22.060	UP	<u>UP</u>	To 35%	UP	To 35%
K. Hazardous wastes management facilities which meet the criteria outlined in Section 19.22.070	UP	<u>UP</u>	N/A	UP	N/A
L. Incidental and accessory storage, mechanical equipment which meet criteria in Chapter 19.82 (5 percent net coverage and screened)	MPP	<u>MPP</u>	N/A	MPP	N/A
M. Massage establishment	P ²	<u>P²</u>	N/A	P ²	N/A
N. Public utility buildings and services, electric transportation and distribution substations and public utility service centers	UP	<u>UP</u>	To 35%	UP	To 35%
	UP	<u>UP</u>	>35%	UP	>35%
O. Recycling centers	UP	<u>UP</u>	N/A	UP	N/A
P. Any use which is obnoxious, offensive or creates a nuisance to persons in adjacent buildings or premises through emission of dust, fumes, glare, heat, liquids, noise, odor, smoke, steam, vibrations, or similar disturbances	N	<u>N</u>	N/A	N	N/A

¹Subject to provisions of Chapter 19.60.²Subject to provisions of Chapter 9.41.

35% FAR bonus for green buildings may apply. See Section 19.32.075.

SECTION 8. TABLE 19.24.030 AMENDED. Table 19.24.030 of the Sunnyvale Municipal Code is hereby amended as follows:

	O	P-F
OFFICE AND PUBLIC FACILITIES ZONES		
1. Office/Care Facilities		
A.-B. [Text unchanged]		
OFFICE AND PUBLIC FACILITIES ZONES	O	P-F
1.-2. [Text unchanged]		
3. Personal Service		
A. -B. [text unchanged]	UP	MPP
C. Non public schools (any level)	UP	UP
4. Entertainment/Recreation Education, Recreation, and Places of Assembly		
A. Education – Recreation and Enrichment	N	UP
B. Education – Primary and High School	N	UP
C. Education – Institution of Higher Learning	UP	UP
D. Recreational and Athletic Facilities	N	N
E. Places of Assembly – Business Serving	UP	UP
F. Places of Assembly – Community Serving	UP	UP
A.G. Cardrooms	N	N
B. Private golf courses	N	UP
5. Residential/Boarding/Lodging		
A. [Text unchanged]		
6. Other		
A. [text unchanged]		
B. Church, convent, monastery or parsonage	UP	UP
C. - M. [Sections re-lettered; text unchanged]		

SECTION 9. Chapter 19.26 AMENDED. Chapter 19.26 of the Sunnyvale Municipal Code is hereby amended as follows:

19.26.010-19.26.200. [Text unchanged].

3. Commercial Uses								
A. – D. [Text unchanged]								
E. Card rooms	N	N	N	N	N	N	N	N
F. – P. [Sections re-lettered; text unchanged]								
U. Schools, such as business, professional and dance	SDP	SDP	SDP	SDP	SDP	SDP	SDP	SDP
4. Accessory Uses								
A. – B. [Text unchanged]								
5. Temporary Uses								
A. [Text unchanged]								
6. Other Uses								
A. – N. [Text unchanged]								

SECTION 11. TABLE 19.28.080 AMENDED. Table 19.28.080 of the Sunnyvale Municipal Code is hereby amended as follows:

DSP RESIDENTIAL BLOCKS	4, 5, 14, 15, 16	6, 10a	8, 9, 10, 11, 12 and 17	8a	8b, 9a
1. Residential					
A. – G. [Text unchanged]					
2. Recreational Uses Education, Recreation, and Places of Assembly					
A. Parks, playgrounds and recreational areas	SDP	SDP	SDP	SDP	SDP
A. Education – Recreation and Enrichment	N	N	N	N	N
B. Education – Primary and High School	N	N	N	N	N
C. Education – Institution of Higher Learning	N	N	N	N	N
D. Recreational and Athletic Facilities	N	N	N	N	N
E. Places of Assembly – Business Serving	N	N	N	N	N
F. Places of Assembly – Community Serving	SDP	SDP	SDP	SDP	SDP
G. Card rooms	N	N	N	N	N
3. Commercial Uses					
A. [text unchanged]					
B. Card rooms	N	N	N	N	N
C. – G. [Sections re-lettered; text unchanged]					
5. Accessory Uses					
A. – D. [Text unchanged]					
6. Temporary Uses					
A. – B. [Text unchanged]					
7. Other Uses					

A.-B. [text unchanged]					
C. Places of assembly, both business and community serving	SDP	SDP	SDP	SDP	SDP
D.-E. [sections re-lettered; text unchanged]					
F. Nonpublic schools (K-12)	SDP	SDP	SDP	SDP	SDP
G.-L. [sections re-lettered; text unchanged]					

SECTION 12. Section 19.98.020 AMENDED. Section 19.28.020 of the Sunnyvale Municipal Code is hereby amended as follows:

19.98.020. Applications.

(a) – (g) [Text unchanged]

(h) For any use in a POA combining district serving sensitive populations as defined in 19.12.200, the following additional application requirements and procedures shall be met:

(1) If the use is proposed within a multi-tenant building, the applicant shall obtain an agreement providing for the limitation of hazardous material users on the same site, which agreement shall be recorded between the property owner, applicant, and City.

(2) The applicant shall acknowledge in writing that it is locating in an industrial area that may result in higher levels of noise, traffic, and exposure to hazardous materials than would normally be encountered in non-industrial areas.

(3) The applicant shall adopt and submit for the approval of City a safety plan designed to protect sensitive populations in the event of a nearby release of hazardous materials.

SECTION 13. Section 19.98.040 AMENDED. Section 19.28.040 of the Sunnyvale Municipal Code is hereby amended as follows:

19.98.020. Notice Requirements.

(a) – (d) [Text unchanged]

(e) With regard to any application for an educational or recreational use or place of assembly in a POA combining district, notice of the time and place of any public hearing shall be sent to all property owners and tenants within 1000 feet of the subject site, in addition to any other notices that are otherwise required.

(e) – (j) [Sections re-lettered; text unchanged]

SECTION 14. CONSTITUTIONALITY; SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council declares that it would have adopted this ordinance and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more section, subsection, sentence, clause or phrase be declared invalid.

SECTION 15. CEQA – NEGATIVE DECLARATION. The City Council hereby determines that the Negative Declaration prepared for this ordinance has been completed in compliance with the requirements of the California Environmental Quality Act (CEQA) and reflects the independent judgment of the City, and finds that adoption of the ordinance will have no significant negative impact on the area's resources, cumulative or otherwise. The Director of Community Development shall file a Notice of Determination with the County Clerk pursuant to CEQA guidelines.

SECTION 16. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days from and after the date of its adoption.

SECTION 17. POSTING AND PUBLICATION. The City Clerk is directed to cause copies of this ordinance to be posted in three (3) prominent places in the City of Sunnyvale and to cause publication once in an adjudicated newspaper of general circulation in the City of Sunnyvale, of a notice setting forth the date of adoption, the title of this ordinance, and a list of places where copies of this ordinance are posted, within fifteen (15) days after adoption of this ordinance.

Introduced at a regular meeting of the City Council held _____, 2006, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on _____, 2006, by the following vote:

AYES:
NOES:
ABSENT:

ATTEST:

APPROVED:

City Clerk
(SEAL)

Mayor